

SMOKE FREE PLAYGROUND AND SPORTING RESERVES POLICY

QUALITY CONTROL			
EDRMS REFERENCES	12/14 – D20/5437		
RESPONSIBLE POSITION	Manager Planning, Development and Compliance		
APPROVED BY	Council		
REVIEW DATE	September 2024	REVISION NUMBER	2
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
25/06/2008	Adoption	42693	
29/07/2020	Public Exhibition	46310	
30/09/2020	Adoption	46351	

1. INTRODUCTION

This Policy recognises that Council plays a key role in advocating public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community.

Council is also committed to improving the natural environment and amenity of the local area by reducing the negative effects of smoking and use of e-cigarettes in public areas.

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life-threatening health impacts including heart disease, cancer, asthma and other respiratory problems. Children exposed to secondhand smoke are at an increased risk of asthma, acute respiratory infections and other health issues.

2. POLICY OBJECTIVE

The Policy aims to:

- a) Improve the health of community members.
- b) Improve public amenity and maintenance of Council property.
- c) Raise community awareness of the issues associated with smoking.
- d) Provide community leadership in taking measures to protect the health and wellbeing of the community.

- e) Minimise cigarette butt pollution in parks, recreational areas and other open space areas.

3. POLICY SCOPE

The Policy applies to:

- a) A place this is within 10 metres of children's play equipment but only if the children's play equipment is in an outdoor public place.
- b) A public swimming pool complex.
- c) A public area set aside for or being used by spectators to watch an organised sporting event at a sports ground or other recreational area, but only when an organized sporting event is being held there.
- d) A commercial outdoor dining area.

4. POLICY STATEMENT

This Policy recognises that Council has an obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community.

The *Smoke-free Environment Act 2000* bans and regulates smoking in the above-mentioned open space areas.

What are other relevant documents?

The following documents are related, either directly or indirectly, to the Policy:

- a) Workplace Smoking Policy
- b) *Smoke-free Environment Act 2000*
- c) Smoke-free Environmental Regulation 2016
- d) *Local Government Act 1993*
- e) Local Government (General) Regulation 2005
- f) NSW State Health Plan: Towards 2021
- g) NSW Tobacco Strategy 2012-2017
- h) National Heart Foundation

5. IMPLEMENTATION

5.1 Roles and Responsibilities

NSW Health is the authority responsible for the administration and enforcement of smoke free areas defined under the *Smoke-free Environment Act 2000*.

NSW Health inspectors conduct regular compliance monitoring and enforcement activity. They can issue cautions or on the spot fines of up to \$300 to people who break the smoking bans. Inspectors can also provide education to the public on smoking bans and work with property and building owners to display smoke-free signage and remove butt bins where appropriate.

The following Council officers are responsible for the implementation and the adherence to this policy:

- General Manager

- Manager City Development & Planning
- Environmental Health Officer
- Compliance Officer

5.2 Communication

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

6. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be every two years from the effective date, or when amendments have been made to relevant legislation. The responsible Council officer will be notified of the review requirements three months prior to the expiry of this policy.

The Manager City Development and Planning is responsible for the review of this policy.

7. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- *Smoke-free Environment Act 2000*
- Smoke-free Environment Regulation 2016

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Smoke Free Playgrounds and Sporting Reserves Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

8. DEFINITIONS

Recreational area where stated in this Policy refers to Council owned or managed sporting facilities, playgrounds, skate parks, outdoor fitness equipment and public swimming pools.

Outdoor sporting facilities where stated in this Policy refers to Council own or managed (including leased and licensed) sports fields and the infrastructure associated with a sports field, including amenities buildings, canteens, grandstands and clubhouses.

Smoke means use, consume, hold or otherwise have control over a tobacco product, non-tobacco smoking product or e-cigarette that is generating (whether or not by burning) smoke or an aerosol or vapour.